

REMARKS

The claims of the present Application are subject to restriction requirement. The claims are divided into two groups:

Group I – claims 1 – 8, drawn to a process

Group II – claims 9 – 17, drawn to an apparatus

The Office Action states that the claims lack unity of invention under PCT Rule 13.2 because the Examiner cannot find a “special technical feature” in the claims in view of U.S. Patent 5,985,204 and U.S. Patent 5,393,482. For purposes of response, Applicants elect, with traverse, Group I – claims 1 – 8.

Traversal

Applicants respectfully submit that the Office Action does not make a proper restriction under Rule 13.2 because the claim structure presented herein is specifically described as fulfilling the unity of invention requirement of PCT Rule 13.2. Specifically, Applicants point to Annex B of the Administrative Instructions Under the PCT, which states in section (e) that “The method for determining unity of invention under Rule 13.2 shall be construed as permitting, in particular, ... in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process.” (MPEP Appendix AI, Annex B)

Applicants respectfully note that the claims in the present Application clearly relate to a process and an apparatus specifically designed for carrying out the said process. Applicants also note the language of the administrative instruction states that in such a situation unity of invention shall be construed as permitting this particular type of claim set. Applicants therefore respectfully submit that, under the administrative instructions governing the construction and application of Rule 13.2, the Examiner may not find lack of unity of invention between the process and apparatus claims of the present invention without a showing that the process and apparatus claims are so divergent that the apparatus is not “specifically designed for carrying out

the said process." Having made no such showing, the Examiner is respectfully requested to reconsider and withdraw this restriction requirement.

Conclusion

Entry of the above amendments is earnestly solicited. An early and favorable first Action on the merits is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Naphtali Y. Matlis, (Reg. No. 61,592), at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 29, 2009

Respectfully submitted,

By _____

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000